

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MICHAEL BOYER**

**Petitioner,**

**v.**

**SUPERINTENDENT PIAZZA, ET AL.,**

**Defendants.**

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**CIVIL ACTION NO. 06-CV-3630**

**ORDER**

**AND NOW**, this \_\_\_\_ day of February, 2007, upon careful and independent consideration of the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa and no objections to the Report and Recommendation having been filed, **IT IS HEREBY ORDERED and DECREED** that:

1. The Report and Recommendation is **APPROVED and ADOPTED**.
2. The petition for a writ of habeas corpus is **DENIED and DISMISSED**.
3. There is no basis for the issuance of a certificate of appealability.
4. The Clerk of the Court shall mark the above-captioned case as **CLOSED**.

BY THE COURT:

\_\_\_\_\_/S/ **Petrese B. Tucker**

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Honorable Petrese B. Tucker, U.S.D.J.